

**INTERIM REPORT 2
21 April – 5 May 2006**

I. EXECUTIVE SUMMARY

- The OSCE/ODIHR established a Referendum Observation Mission (ROM) on 28 March to observe the 21 May 2006 referendum on the future state-status of the Republic of Montenegro (Serbia and Montenegro).
- The campaigns undertaken by both the pro-independence bloc (PIB) and the pro-union bloc (PUB) are active and remain peaceful. However, there are concerns of emerging negative campaigning including verbal attacks against leading politicians.
- Preparations for the referendum continue on schedule, although there are prolonged debates between members of the Republican Referendum Commission (RRC). The Commission's early tendency to vote along partisan lines appears to be lessening.
- The arrest of three PUB activists, including one of its members on the RRC, for allegedly falsifying voter registration documents, led to a PUB boycott of one RRC meeting. The boycott was called off following the release of those detained.
- The provisional Central Voter Register (CVR) closed on 25 April and included a total of 479,523 registered voters. Eligible voters may still be added to the CVR up to the 11 May upon a judicial appeal.
- There have been repeated complaints, mostly by the PUB, against the reliability of the CVR, alleging interference by the state authorities in the voter registration process.
- In a noteworthy sign of consensus, representatives from both options agreed to undertake a cross-check of the CVR against centralised electronic data held by the Ministry of Interior and have identified a number of differences in the data.
- Generally, television news coverage has provided balanced coverage to PIB and PUB; however, pro-independence arguments receive more exposure as broadcasters report on state officials, who in their official capacities refer to pro-independence views. Print media is not as balanced, with some newspapers being inflammatory at times.
- Over 50 complaints have been submitted to the RRC or are being investigated by the State Prosecutor. Six persons were arrested and briefly detained for alleged offences relating to the CVR and await trial, although these cases appear to demonstrate a disproportionate response by the police.
- Three persons who were filmed offering bribes to a voter have been convicted and sentenced to imprisonment for up to ten months.

II. CAMPAIGN OVERVIEW

Campaign activity by both referendum options – the pro-independence bloc (PIB) and the pro-union bloc (PUB) – has increased significantly during the reporting period, with campaigning taking place throughout the territory of Montenegro. There have been no reports so far of restrictions on the freedom to campaign. The OSCE/ODIHR Referendum Observation Mission (ROM) has been able to observe public campaign events.

The campaign subject matter is extensively discussed in the media, and in local level meetings, providing voters with clear information on their choice of options. To date, the campaign atmosphere has been peaceful; however, the overall tone of the campaign has grown increasingly negative. Domestic observer groups, in particular, have called upon the political parties to avoid raising tensions during the campaign and to ensure a calm period immediately following the referendum. A number of advertising billboards displaying campaign posters have been defaced.

The quality of campaign presentation for both options is high, and demonstrates the engagement of professional public relations companies by both options in their respective campaigns. The extensive use by both blocs of disciplined door-to-door campaigning has been evident.

The PIB, composed of the ruling Party of Democratic Socialists (DPS) of Prime Minister Milo Djukanović, the Social Democratic Party (SDP), two Albanian political parties, the Liberal Party (LP), the Citizen's Party (GS) and the Bosniak Party, has held two large and highly organized showcase rallies, in Cetinije on 28 April and in Herceg Novi on 4 May. The PIB campaign is focused on a policy of organising extensive contact through what is described as “friends and family”. While the presence of the “Yes” media campaign is the more significant, the large rallies are the exceptions, which illustrate the extent to which the PIB has adopted a direct approach to citizens.

Clear campaign platforms have emerged, with the PIB claiming independence will accelerate Montenegro's integration into the European Union, whereas the PUB highlight the social, economic and cultural benefits of continued union with Serbia. The Government has adopted a number of policy-oriented declarations during the campaign period, including on post-independence relations with Serbia, on the rights of Serbian citizens in Montenegro, and a 27 April declaration that independence will expedite the process of European integration. The 3 May decision of the European Commission to suspend talks with Serbia and Montenegro over the failure to arrest Ratko Mladic has been explicitly referred to by the Prime Minister in support of the pro-independence campaign.

The PUB is led by the Socialist Peoples' Party (SNP) of Mr. Predrag Bulatović, the People's Party (NS), the Serbian People's Party (SNS) and the Democratic Serbian Party (DSS). The PUB also includes the Bosniak Bloc, a small coalition of Bosniak non-governmental organizations. The PUB campaign is more public in nature, focused on small and medium sized rallies, and an extensive print-media campaign targeting younger voters in particular. A focus of the ‘No’ campaign in the media has been on encouraging voter participation. The

campaign headline “There are enough of us to say No” refers to the requirement that 55 per cent must vote for independence for the referendum to be passed.¹

PUB campaign rallies have taken place in 14 of the 21 municipalities in Montenegro and have made extensive reference to historical, cultural and economic contacts with Serbia, and seek to address voters’ concerns regarding the right to access health care and education in Serbia. However, they have also been marked by explicit, highly negative personal attacks against Mr. Djukanović, attempting to directly link a “No” vote in the referendum with the defeat of the incumbent Government.

National minorities are active in the campaign. The Bosniak community, which has representatives in both blocs, has the most prominent media profile to date. A new draft law on national minorities is scheduled to be debated by the Assembly of Montenegro on 10 May. The text has been under preparation for approximately 3 years. Therefore the timing of the decision to bring it forward for parliamentary consideration has been greeted with cynicism by the PUB and some domestic civil society groups active on minority issues.

Women are reportedly active in the campaign at the local level, and in less high profile media events than their party leaderships. Some very limited presence of women speakers has been noted at campaign rallies and in media forums. The signing of a declaration on gender equality, specifically aiming to increase women’s representation in local and republic level parliaments, by all political party leaders (all of whom are male) during the campaign has been greeted by women political party activists as a success in terms of their lobbying efforts, but with considerable scepticism that it will be fully implemented. It is not considered to have any real impact on citizen’s decisions regarding the referendum question.

III. REFERENDUM ADMINISTRATION

Generally, preparations for the 21 May referendum continue on schedule, with the Republican Referendum Commission (RRC) and most Municipal Referendum Commissions (MRCs) taking the required decisions on all major issues relating to procedures and administrative arrangements. However, there have been delays in the work of the RRC caused by prolonged debates between its members. Most votes on RRC decisions, especially those relating to complaints, have continued to go along partisan lines and have required the casting vote of the RRC Chairman on several occasions.² Nevertheless, at its 3 and 5 May sessions, RRC members adopted a notably more consensual and efficient approach and, for the first time, saw votes by members against their perceived partisan interests.

On 24 April, a PUB-appointed member of the RRC, who is also a legal adviser to SNS, was arrested by police for allegedly submitting falsified documents on behalf of 16 citizens who wished to be added to the Voter Register. His arrest followed earlier arrests and detention on similar charges of two other PUB activists from SNS (see below ‘Referendum Complaints’). These arrests led to the PUB announcing on 25 April that their representatives would boycott

¹ The referendum will be held under a special legal framework that establishes two criteria for the referendum to be considered as having been passed: at least 55 per cent of the valid votes must be cast for the “yes” option, and there must be a minimum voter turnout of at least 50 per cent plus one voter.

² As agreed during cross-party negotiations on the conduct of the referendum, an international personality – Dr. Frantisek Lipka (Slovakia) – was appointed by the Montenegrin Parliament as Chairman of the RRC. The RRC is composed of 16 members with equal representation between representatives of the PIB and the PUB. In cases of a tie, Dr. Lipka has a casting vote.

RRC meetings until the release of the activists. The RRC Chairman called for the release of the arrested persons, but also criticised RRC members from undertaking personal or professional activities that may be in conflict with their public duties, such as submitting registration requests on behalf of voters. All three persons were released on 25 April following the intervention of the State prosecutor, although the charges remain outstanding. The PUB representatives on the RRC attended its next meeting on 27 April.

Long-term observers (LTOs) of the ROM report that, generally, the Municipal Referendum Commissions (MRCs) are functioning properly and meeting regularly. However, in Niksic, the five PUB representatives on the MRC announced a boycott of its 30 April session because of allegations against the procedures of adding names to the CVR. The MRC meeting proceeded with the five PIB representatives providing the required quorum of 50 per cent of members. On 5 May, the PUB representatives in Niksic signalled their intention to attend future MRC meetings. The MRC in Danilovgrad has failed to reach agreement on the location of some polling stations in its municipality.

There remain no formal plans for the RRC, or any other agency, to provide voter education on referendum day procedures, although voters will be informed by post of the date of the referendum and the location of their polling station. Most MRCs have indicated their intention to provide training for polling board members following their appointment on 11 May. On 28 April, the RRC announced there will be 1,127 polling stations, although this number may be subject to further change. Voters detained in Montenegro's three prisons will be able to vote at special polling stations administered by polling boards directly appointed by the RRC.

IV. VOTER REGISTRATION

The provisional Central Voter Register (CVR) closed on 25 April following a seven-week period when the CVR could be inspected by citizens, political parties and observers. The provisional CVR included the names of a total of 479,523 registered voters. During the public inspection period, names of eligible but omitted voters could be added and the names of non-eligible or deceased voters could be removed; in total, 16,456 names had been added and 3,168 removed during this period. The provisional CVR was approved and published by the RRC on 28 April.

From 26 April to 11 May, names can still be added to the CVR through appeals to the Administrative Court. OSCE/ODIHR LTOs have confirmed that the provisional CVR is available for inspection in all municipalities for voters to check their entries. Court applications to be added to the CVR can be submitted at municipal voter registration offices. As of 5 May, the ROM has been informed that over 1,000 appeals to be added to the CVR have been received, with most appeals being allowed. The final CVR will be published on 13 May.

As with previous elections in Montenegro, issues surrounding the CVR have been highly contentious during this referendum campaign, with political parties inside the PUB alleging a number of inaccuracies in the data of registered voters that adversely affect their supporters or that would otherwise benefit the PIB vote. In particular, the PUB has demanded access to centralised electronic data held by the Ministry of Interior (MOI) to cross-check the accuracy

of the CVR.³ In practice, political parties are already provided at a municipal level with access to the paper records of the MOI to cross-check the eligibility of voters but, on 12 April, the PUB lodged a formal complaint with the RRC for further, centralised access.

Following negotiations that involved the RRC Chairman and consultations with the MOI, on 3 May, the two blocs reached a noteworthy political agreement for a cross-check between the CVR and the available centralised electronic data held by the MOI to go ahead. The cross-check took place on 4 May in the presence of experts from both blocs who were given access to inspect the Ministry of Interior database under conditions that respected confidentiality of personal data. The cross-check identified a number of differences between the CVR and the MOI database. These differences are currently being assessed by both PIB and PUB in conjunction with the State Prosecutor in order to identify whether further names should be added to the CVR through the Administrative Court procedure before 11 May.

There have been further complaints relating to the registration of voters in most of the 21 municipalities, almost all of which have stemmed from the PUB. Overall, the complaints do not relate to significant numbers of potentially problematic cases where eligible voters may have been excluded or ineligible voters remain registered. One complaint referred to the fact that municipal offices were closed over the Orthodox Easter period which coincided with the closure of the period for changes to the CVR. In practice, the ROM was able to confirm that municipal offices were open throughout the period, although opening times were restricted in Podgorica. It is clear that, despite a Constitutional Court ruling in 2001, political parties have been submitting requests to add names to the CVR, or request changes to names, without proof of authority that they may act on behalf of the persons concerned. There are a number of inconsistencies between municipalities on the administrative procedures used to check the eligibility of voters to be on the CVR.

V. MEDIA

Both the public and private media in Montenegro are providing wide coverage of the referendum process, the campaigns and the issue of the future state-status of Montenegro. Regular televised debates continue to be shown, as well as free airtime for publicity for both referendum options, including footage of rallies and events. Media monitoring by the ROM indicates that, for example, the public broadcaster TVCG has dedicated 15 per cent of its total peak time coverage to referendum issues, while two private TV channels, MBC and IN, have both provided 11 per cent. Other private broadcasters, such as Elmag and Pink TV M, have given considerably less coverage to the referendum. The Serbian public broadcaster, RTS, which can be viewed in Montenegro, has provided only 2 per cent of its peak time coverage to the referendum.

Both blocs have been placing paid advertisements in the TV and print media. In its monitoring of the media so far, the ROM has noted that the PIB has placed more paid advertising on television, while the PUB has paid for substantially more advertisements in the print media.

³ All registered voters must be 18 years, citizens of Montenegro and have held permanent residency in Montenegro for a period of 24 months. At a municipal level, the Ministry of Interior issues identification documents to Montenegrin citizens based on their certificates of permanent residence and, *ex officio*, provides this data to municipalities for the registration of voters. The Ministry of Interior has publicly stated that its centralised electronic database does not yet have legal status and cannot be confirmed as accurate.

In terms of news items on referendum issues, most television coverage relates to neutral issues, such as technical coverage of the work of the RRC. Generally, the PIB and PUB receive similar amounts of time coverage on campaign activities but there has been a tendency for the pro-independence campaign to receive more exposure on televised news through the coverage provided to government and state officials who, in their official capacities, refer to pro-independence arguments. Coverage of pro-union views has usually been voiced only by PUB representatives.

In its monitoring of the print media, the ROM notes that balanced coverage in terms of space and content is provided by *Vijesti*. Other newspapers have shown less balance, with pro-independence views appear significantly more favoured in *Republika* and the publicly-owned *Pobjeda*, while *Dan* and Serbian daily *Vecernje Novosti* dedicating much more space to pro-union views.

After a temporary suspension of its work because of the withdrawal of PUB representatives, the parliamentary committee for media coverage of the referendum campaign reconvened in full on 26 April to address complaints against media coverage.⁴ The committee has discussed a range of complaints, including articles published in Serbian newspapers and coverage by public media in Montenegro. While the committee has tended to vote along block lines, there was agreement on a decision to criticise the newspaper *Pobjeda* for publishing an article the headline of which included derogatory words.

Although the media coverage of the referendum is generally fair and within the boundaries of acceptable journalism and comment, a number of articles published in the newspaper *Dan* as well as several Serbian newspapers have raised concerns over the use of inflammatory language. Media monitoring reports by domestic non-partisan observer groups have condemned this development.

VI. REFERENDUM COMPLAINTS

The ROM is aware that over 50 complaints relating to the referendum process have formally been submitted to the RRC and/or to public prosecutors. The majority of complaints allege problems with voter registration and almost all have been submitted on behalf of the PUB. The RRC's Working Body on Complaints reviews all complaints, but has generally been unable to reach agreement on the steps to be taken to address them, referring the cases to the RRC for a decision. Where complaints allege possible criminal acts, the RRC forwards them to the public prosecutor. On issues related to voter registration, the complaints have been forwarded to the Ministry of Justice, which supervises the role played by municipalities in maintaining and updating the CVR. In most cases, the RRC has not been able to resolve complaints within its prescribed deadline of 72 hours.

There have been a number of allegations of the interference in the voter registration process by state authorities. In Budva, Bar and Niksic, PUB representatives have brought criminal charges against MOI and municipal officials alleging deliberate registration of ineligible

⁴ The PUB representatives withdrew on 18 April following disagreement over the broadcasting on TVCG of footage filmed by blocs. On 26 April, the committee agreed to send a letter to the President of the Council of RTCG, requesting his opinion in the matter.

voters and deregistration of eligible voters. These cases are being investigated by prosecutors.

Over the holiday weekend of 22-24 April, police in Podgorica arrested three PUB activists, including a member of the RRC, on charges of falsifying documents submitted in the name of persons seeking to be added to the CVR. One allegation related to a person who died on the day his application was submitted and others to where signatures on authorisation forms appeared to be forged. It is not clear upon whose complaints the police were acting when initiating their investigation or why the police decided to immediately arrest and detain the activists rather than bring formal charges at a later date. The decision of the initial investigative judge to order two of the activists to be detained for 30 days – a decision overturned following the intervention of the state prosecutor – also seemed disproportionate to the alleged offence. A further three PUB activists, also from SNS, have been arrested and briefly detained on similar charges. All six await trial.

The high profile case involving a film of an alleged incident where PIB activists attempted to bribe or coerce a voter to vote for independence or not to vote (the so-called “Zeta” case) came to trial on 28 April. The three defendants were found guilty and sentenced to imprisonment for periods of up to six months, including one who was tried *in absentia* as he is currently in Serbia. Further charges have been brought against two of these persons, plus another individual, following the release of another film showing similar illegal activities.

Other complaints received by the RRC include allegations of the abuse of public office by state officials, with several claims of attempted coercion of public employees to vote in favour of independence. The ROM understands that the State Prosecutor has decided not to prosecute these cases for lack of evidence. There have also been several complaints of the buying of ID cards with the supposed intention of preventing individuals from being able to cast their ballot on referendum day and the ROM understand that, in several cases, charges have been brought against suspected offenders.

VII. DOMESTIC AND INTERNATIONAL OBSERVERS

The three domestic non-partisan observer groups – the Centre for Election Monitoring (CEMI), the Centre for Democratic Transition (CDT) and the Centre for Human Rights Monitoring (CEDEM) – have each produced interim reports on the referendum process, including opinion polls on voter intentions and monitoring of media coverage.

Over 190 international short-term observers (STOs) from 34 OSCE participating States will monitor the period around referendum day for the OSCE/ODIHR. Observer delegations from the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), the Congress of Local and Regional Authorities in Europe (CLRAE) and the European Parliament (EP) are also expected.

The OSCE/ODIHR ROM remains grateful to the authorities, the Republican Referendum Commission, political parties and civil society for their continued co-operation.